

ASSEMBLY BILL

No. 1834

Introduced by Assembly Member Wagner

February 9, 2016

An act to amend Section 69957 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1834, as introduced, Wagner. Electronic court reporting.

Existing law authorizes a superior court to appoint official reporters and official reporters pro tempore as are deemed necessary for the performance of the duties of the court and its members. Existing law also authorizes a court to use electronic recording equipment to record an action or proceeding in a limited civil case, or a misdemeanor or infraction case, if an official reporter or an official reporter pro tempore is unavailable.

This bill would additionally allow a court to use electronic recording equipment in a family law case if an official reporter or an official reporter pro tempore is unavailable.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 69957 of the Government Code is
2 amended to read:
3 69957. (a) If an official reporter or an official reporter pro
4 tempore is unavailable to report an action or proceeding in a court,
5 subject to the availability of approved equipment and equipment

1 monitors, the court may order that, in a limited civil case, *a family*
2 *law case*, or a misdemeanor or infraction case, the action or
3 proceeding be electronically recorded, including all the testimony,
4 the objections made, the ruling of the court, the exceptions taken,
5 all arraignments, pleas, and sentences of defendants in criminal
6 cases, the arguments of the attorneys to the jury, and all statements
7 and remarks made and oral instructions given by the judge. A
8 transcript derived from an electronic recording may be utilized
9 whenever a transcript of court proceedings is required. Transcripts
10 derived from electronic recordings shall include a designation of
11 “inaudible” or “unintelligible” for those portions of the recording
12 that contain no audible sound or are not discernible. The electronic
13 recording device and appurtenant equipment shall be of a type
14 approved by the Judicial Council for courtroom use and shall only
15 be purchased for use as provided by this section. A court shall not
16 expend funds for or use electronic recording technology or
17 equipment to make an unofficial record of an action or proceeding,
18 including for purposes of judicial notetaking, or to make the official
19 record of an action or proceeding in circumstances not authorized
20 by this section.

21 (b) Notwithstanding subdivision (a), a court may use electronic
22 recording equipment for the internal personnel purpose of
23 monitoring the performance of subordinate judicial officers, as
24 defined in Section ~~71601 of the Government Code~~, 71601, hearing
25 officers, and temporary judges while proceedings are conducted
26 in the courtroom, if notice is provided to the subordinate judicial
27 officer, hearing officer, or temporary judge, and to the litigants,
28 that the proceeding may be recorded for that purpose. An electronic
29 recording made for the purpose of monitoring that performance
30 shall not be used for any other purpose and shall not be made
31 publicly available. ~~Any~~ A recording made pursuant to this
32 subdivision shall be destroyed two years after the date of the
33 proceeding unless a personnel matter is pending relating to
34 performance of the subordinate judicial officer, hearing officer,
35 or temporary judge.

36 (c) Prior to purchasing or leasing any electronic recording
37 technology or equipment, a court shall obtain advance approval
38 from the Judicial Council, which may grant that approval only if

- 1 the use of the technology or equipment will be consistent with this
- 2 section.

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